IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.8636 OF 2003

Maharashtra General Kamgar Mahasangh .... Petitioner
Vs.
Gripp Tools Pvt. Ltd. & Anr. .... Respondents

Shri N.M. Ganguli for the Petitioner.

Shri P.S. Chavan for the Respondents.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: SEPTEMBER 08, 2004

P.C:

Heard the learned Advocates for the parties.

The petitioner challenges the order dated 20-4-2002 passed by the Industrial Court, Thane allowing the application filed by the respondent No.2 to be joined as the party-respondent in the complaint filed by the petitioner before the Industrial Court, Thane. Undisputedly, the application was filed by the respondent No.2 on the basis of the certificate of registration issued under the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 wherein the respondent No.2 is shown as the contractor in respect of loading and unloading work for which 18 labourers have been employed with the respondent No.1-company. The

Section 29 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short, "MRTU & PULP Act") clearly empowers the Industrial Court dealing with the complaints under the MRTU & PULP Act to join proper and/or necessary parties to the proceedings. Considering the fact that the respondent No.2 had apparently disclosed its registration certificate under the Contract Labour (Regulation and Abolition) Act, 1970 in relation to the employees working for the respondent No.1 on whose behalf the complaint was filed, no fault can be found with the impugned order as the impugned order apparently discloses to have exercised the discretion of the Industrial Court judiciously and in accordance with the provisions of law under the MRTU & PULP Act. There being no illegality committed by the Industrial Court in allowing the application of the respondent No.2 for its joinder as party-respondent to the proceedings, there is no case for interference in the impugned order. The petition, therefore, is rejected.